

House Bill 312 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 312 was ordered not printed.

Adjournment

On motion of Senator Hardeman the Senate at 12:21 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

TWENTY-FOURTH DAY

(Wednesday, February 22, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We thank Thee, our Father, that we live in deeds, not years; and when we die we do not die. Washington lives today in the minds and memories of millions. Comfort us now with Thy word that says: 'Blessed are the dead which die in the Lord . . . that they may rest from their labours; and their works do follow them.' We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Moffett was granted leave of absence for today on account of illness in the family on motion of Senator Aikin.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 8, Amending Sections 14 and 15 of Chapter 425, Acts of the Regular Session of the Fifty-fifth Legislature, 1957 (codified as Vernon's Annotated Civil Statutes, Article 8280-9, Sections 14 and 15); providing for broadening the present law governing the Texas Water Development Board and defining its duties; increasing the findings the Board must make that a water supply project cannot be financed without State assistance; removing the present limitation on loans for water supply projects of one-third of project cost; raising the presently authorized ceiling on such loans from Five Million Dollars (\$5,000,000) to Fifteen Million Dollars (\$15,000,000); and declaring an emergency.

S. B. No. 178, A bill to be entitled "An Act defining State University-owned land as used in Foundation School Program Act to include certain land owned and used by the Agricultural and Mechanical College of Texas; and declaring an emergency."

Reports of Standing Committees

Senator Reagan submitted the following reports:

Austin, Texas,
February 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 73, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
February 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insur-

ance, to whom was referred S. B. No. 30, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
February 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 50, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
February 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 57, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Senator Fuller submitted the following report:

Austin, Texas,
February 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred H. B. No. 59, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

FULLER, Chairman.

Senator Crump submitted the following reports:

Austin, Texas,
February 21, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 12, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,

February 21, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 10, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

CRUMP, Chairman.

Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the committees indicated:

By Senator Aikin:

S. B. No. 253, A bill to be entitled "An Act amending Subsection 4, Section 7 of Chapter 530, Acts of the 54th Legislature, Regular Session, 1955, as amended, relating to payment of claims to certain beneficiaries; and declaring an emergency."

To the Committee on Banking.

By Senator Aikin:

S. B. No. 254, A bill to be entitled "An Act to amend Article 2823, Revised Civil Statutes, 1925, defining 'scholastic population' for its purpose and other laws pertaining to apportionment of the State Available School Fund; providing thereby for the annual apportionment, distribution and transfers of such Fund, beginning in 1962, on an average daily attendance determination or basis; amending Articles 2816 and 2819, Revised Civil Statutes of 1925, as amended, and repealing Sections 2, 4, and 8 of House Bill 303, Chapter 338, Acts 53rd Legislature, Regular Session, 1953, (codified as Articles 2816a, 2817a and 2822a, respectively, in Vernon's Annotated Civil Statutes) to provide for a scholastic census each four years in lieu of an annual census heretofore required for State Available Fund distribution on a basis other than herein provided, thereby to correlate companionate statutes; and declaring an emergency."

To the Committee on Education.

By Senators Willis and Parkhouse:

S. B. No. 255, A bill to be entitled "An Act relating to fixing speed limits for passenger vehicles on turnpikes operated by the Texas Turnpike Authority, amending Chapter

410, Acts of the 53rd Legislature, Regular Session, 1953, by adding thereto two new sections; and declaring an emergency."

To the Committee on State Affairs.

By Senator Crump:

S. B. No. 256, A bill to be entitled "An Act to amend Section (b), Article 1.05 of the Texas Insurance Code, as amended by Acts 1957, 55th Legislature, p. 1457, Chapter 499, Sec. 2, to provide for an annual salary for the members of the State Board of Insurance; repealing Section (e), Article 1.04, Texas Insurance Code; and declaring an emergency."

To the Committee on Insurance.

By Senators Hudson and Owen:

S. B. No. 257, A bill to be entitled "An Act amending Section 2a of Article 7057b, Vernon's Revised Civil Statutes of Texas, 1925, as amended, Acts of 1939, 46th Legislature, page 643, Section 2; repealing all laws in conflict herewith, and declaring an emergency."

To the Committee on State Affairs.

By Senators Krueger, Moffett, Baker and Hudson:

S. J. R. No. 13, Proposing an amendment to Article III of the Constitution of the State of Texas by adding a new Section to be known as Section 62 and which shall empower the Legislature to provide for the temporary succession to public offices and to adopt such other measures as may be necessary and proper for so insuring the continuity of governmental operations in periods of emergency resulting from disasters caused by enemy attack or in periods of emergency resulting from the imminent threat of such disasters; providing for the proclamation and publication of this proposed amendment by the Governor.

To the Committee on Constitutional Amendments.

By Senator Martin:

S. J. R. No. 14, Proposing an amendment to the Constitution of State of Texas, amending Section 15 of Article XVI, so as to provide that female citizens of the State of Texas shall have the same personal, contract, property, trade, family, political and other rights and privileges, and shall be subject to the same responsibilities

and obligations, as those of male citizens of the State of Texas, unless otherwise provided by law; providing that all property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, descent, or as otherwise provided by law, shall be her separate property; providing that husband and wife may contract with, and sell and convey their separate and community property to, each other or any other person, as provided by law; prescribing the form of ballot and providing for the necessary proclamation and publication.

To the Committee on Constitutional Amendments.

Senate Resolution 126

Senator Smith offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mrs. Otha Denny of Bledsoe, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate and privileges of the floor for the day.

SMITH
ROGERS

The resolution was read and was adopted.

Senator Smith by unanimous consent presented Mrs. Denny to the Members of the Senate.

Senate Resolution 127

Senator Reagan offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate The Civics Club of Incarnate Word Academy of Corpus Christi, Nueces County, Texas, accompanied by their sponsors, Sister Stanislaus and Sister Genevieve; and

Whereas, These students and sponsors are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their

state government; now, therefore, be it

Resolved, That the Senate of the State of Texas recognize and welcome these guests and commend them for their interest, and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Reagan by unanimous consent presented the students and sponsors to the Members of the Senate.

Senate Resolution 128

Senator Crump offered the following resolution:

Whereas, J. H. Ashby began his career as a bookkeeper at the First State Bank of Uvalde, Texas, in 1920. He has worked there through the years and acting as President of the Bank since 1933, and will soon retire; and

Whereas, Mr. Ashby is a director of the First State Bank of Uvalde, Texas; president of the Uvalde Federal Savings & Loan Association; president of the Federal Land Bank Association of Uvalde; treasurer of the Salvation Army Service Unit of Uvalde; parole officer for Uvalde County; chairman of the district United States Savings Bond Committee; and finance officer for Uvalde American Legion Post No. 26 of which he is a charter member; and

Whereas, Through 40 years, in spite of droughts and recessions, Mr. Ashby, as head of the city government as well as president of the bank and other financial institutions, has shown outstanding ability to achieve successful results; and

Whereas, Mr. Ashby has earned and maintained the friendship of the many with whom he has been associated; and

Whereas, Mayor Melvin Rowland will proclaim February 27, 1961, "J. H. Ashby Day" in Uvalde, and Judge Jack Woodley will proclaim it "J. H. Ashby Day" in Uvalde County. The officers, directors and employees of the First State Bank of Uvalde are inviting the public to a reception at the First State Bank Building honoring Mr. Ashby; now, therefore, be it

Resolved, That the Senate of the 57th Legislature expresses the appreciation of the People of Texas for the faithful and distinguished service which this great Texan has performed throughout his life in guiding the people of Uvalde County and the surrounding area toward rich, full, and happy lives; and, be it further

Resolved, That a copy of this Resolution be sent to Mr. Ashby as a token of the deep respect which we hold for him.

The resolution was read and was adopted.

House Bill 192 on Second Reading

Senator Secrest moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 192 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Herring | Schwartz |
| Hudson | Secrest |
| Kazen | Smith |
| Krueger | Willis |

Absent

Hazlewood Weinert

Absent—Excused

Moffett

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 192, Amending Article 7260, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Section to provide that the Tax Assessor-Collectors shall be entitled to deduct amounts of double payments and homestead exemptions claimed, and refund same to claimants, if paid in error and reported in

prior months of the current tax year, from the amounts due on such later monthly reports of tax collections due the State; and providing that the State Comptroller shall honor such deductions so long as they are made prior to June 30 of the year when current taxpaying ends; making the Act cumulative with all other provisions of Article 7260, with certain exceptions; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 192 on Third Reading

Senator Secrest moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 192 be placed in its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

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|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Herring | Schwartz |
| Hudson | Secrest |
| Kazen | Smith |
| Krueger | Willis |

Absent

| | |
|-----------|---------|
| Hazlewood | Weinert |
|-----------|---------|

Absent—Excused

Moffett

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

| | |
|-----------|----------|
| Aikin | Dies |
| Baker | Fuller |
| Calhoun | Gonzalez |
| Colson | Herring |
| Creighton | Hudson |
| Crump | Kazen |

| | |
|-----------|----------|
| Krueger | Reagan |
| Lane | Roberts |
| Martin | Rogers |
| Moore | Schwartz |
| Owen | Secrest |
| Parkhouse | Smith |
| Patman | Willis |
| Ratliff | |

Nays—1

Hardeman

Absent

| | |
|-----------|---------|
| Hazlewood | Weinert |
|-----------|---------|

Absent—Excused

Moffett

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 180, Relating to award decisions in eminent domain proceedings, providing for notice thereof, and providing for objections thereto, Subdivision 6, Article 3266 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency.

H. B. No. 181, Amend Article 1152, Revised Civil Statutes of Texas, 1925, so as to require only the publication of penal ordinances by descriptive caption or title in the official newspaper, and to give the Board of Aldermen authority to print and publish ordinances of a town or village in pamphlet or book form which will then be received in evidence in all courts without further proof, and providing for a caption for ordinances of towns and villages and for the elimination of such caption in certain instances; and declaring an emergency.

H. B. No. 214, Abolishing the office of County Superintendent in all Counties in this State having a population of more than one million two hundred thousand (1,200,000) according to the last preceding Federal Census; providing that the present County Superintendent of such counties should serve out their terms to which elected or appointed; providing that the duties of County Superintendents on

the effective day of this Act shall be performed by the County Judges; repealing all laws and parts of laws that conflict herewith; and declaring an emergency.

H. B. No. 54, Amending Section 10-B of Chapter 425, Acts of the Regular Session of the 55th Legislature, 1957, (codified as Vernon's Annotated Civil Statutes, Article 8280-9, Section 10-B); amending Section 10-D, Acts of the Regular Session of the 55th Legislature, 1957, as amended by Section 2 of Chapter 164, Acts of the Regular Session of the 56th Legislature, 1959 (codified as Vernon's Annotated Civil Statutes, Article 8280-9, Section 10-D); giving the Texas Water Development Board greater latitude with respect to transfer of moneys between statutory Funds; authorizing investment of certain available funds in obligations guaranteed by the United States so as to obtain higher yields for the State; clarifying certain provisions contained in existing law and declaring an emergency.

H. B. No. 148, Amending Article 9 of Chapter 492, Acts of the 52nd Legislature, 1951, which is codified as Article 2.01, Election Code of the State of Texas, Vernon's Texas Civil Statutes, to provide that polls shall be open from six o'clock a.m. to eight o'clock p.m. in all counties having a population of more than five hundred thousand (500,000) according to the last preceding Federal Census and declaring an emergency.

H. B. No. 167, Amend Section 7 of Chapter 283, page 424, Acts of the 40th Legislature, Regular Session, 1927, as amended by Section 1 of Chapter 244, page 545, Acts of the 56th Legislature, Regular Session, 1959 (compiled as Article 1011g of Vernon's Texas Civil Statutes) to provide that all cases to be heard by the Board of Adjustment of a city, town, or village will always be heard by a minimum number of four (4) members; and declaring an emergency.

H. B. No. 168, Amend Subsection (2) of Section 3 of the Airport Zoning Act of 1947, Acts of the 50th Legislature, Regular Session, Chapter 391, page 784, (compiled as Subsection (2) of Article 46e-3 of Vernon's Texas Civil Statutes), to expressly empower any political subdivision in which there is located an airport owned or operated by a defense agency of the

Federal government or the State of Texas and any political subdivision in which there exists any airport hazard area appertaining to such an airport to create a joint airport zoning board; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 129

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Brownie Troop No. 354 from T. G. Harris School in Austin, Travis County, Texas, accompanied by their sponsors; and

Whereas, These Brownies are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the Brownies and their sponsors to the Members of the Senate.

Senate Resolution 130

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have a visitors in the Senate Judge and Mrs. Charles W. Barrow and sons, Wally, John and David; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the guests to the Members of the Senate.

(Senator Martin in the Chair.)

House Bill 179 on Second Reading

Senator Willis moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 179 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

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|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 179, Relating to fees charged by District Court Clerks for preparing certificates relating to witness fees in criminal cases; amending Article 1036, paragraph 4 of the Code of Criminal Procedure of Texas, 1925, as last amended; and declaring an emergency.

The bill was read second time.

Senator Lane offered the following amendment to the bill:

Amend H. B. 179 by inserting a comma in lieu of the period at the end of Section 1 and adding the following:

"unless the claim exceeds the sum of three dollars, in which event the fee to the clerk shall be fifty cents."

The amendment was adopted.

On motion of Senator Willis and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 179 on Third Reading

Senator Willis moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 179 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 135 on Second Reading

Senator Weinert moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 135 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

| | |
|---------|-----------|
| Aikin | Creighton |
| Baker | Crump |
| Calhoun | Dies |
| Colson | Fuller |

| | |
|-----------|-----------|
| Gonzalez | Parkhouse |
| Hardeman | Patman |
| Hazlewood | Ratliff |
| Herring | Reagan |
| Hudson | Roberts |
| Kazen | Rogers |
| Krueger | Schwartz |
| Lane | Secrest |
| Martin | Smith |
| Moore | Weinert |
| Owen | Willis |

Absent—Excused

Moffett

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 135, Amending Section 1 of Chapter 369, Acts of the Fifty-fourth Legislature, Regular Session, 1955, relating to noxious weeds, and adding Comal County thereto; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 135 on Third Reading

Senator Weinert moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 135 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

House Bill 312 on Second Reading

Senator Schwartz moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 312 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 312, An Act creating Brazoria County Road District No. 35, of Brazoria County, Texas, etc., and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 312 on Third Reading

Senator Schwartz moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 312 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

House Bill 90 on Second Reading

Senator Smith moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 90 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

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|-----------|-----------|
| Aikin | Lane |
| Baker | Moore |
| Calhoun | Owen |
| Colson | Parkhouse |
| Creighton | Patman |
| Crump | Ratliff |
| Dies | Reagan |
| Fuller | Roberts |
| Gonzalez | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Nays—2

Hardeman Martin

Absent—Excused

Moffett

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 90, To amend Section 8 of House Bill No. 87, Acts of the Fifty-sixth Legislature, Regular Session, 1959, Chapter 190, codified as Article 326k-41a of Vernon's Civil Statutes, so as to provide that the annual compensation of the stenographer of the District Attorney of the 121st Judicial District of Texas shall be increased from a maximum of Twenty-four Hundred Dollars (\$2,400) per annum to a maximum of Thirty-three Hundred Dollars (\$3,300) per annum; providing a repealing clause; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 90 on Third Reading

Senator Smith moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that

H. B. No. 90 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

| | |
|-----------|-----------|
| Aikin | Martin |
| Baker | Moore |
| Calhoun | Owen |
| Colson | Parkhouse |
| Creighton | Patman |
| Crump | Ratliff |
| Dies | Reagan |
| Fuller | Roberts |
| Gonzalez | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |
| Lane | |

Nays—1

Hardeman

Absent—Excused

Moffett

The Presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Moore |
| Calhoun | Owen |
| Colson | Parkhouse |
| Creighton | Patman |
| Crump | Ratliff |
| Dies | Reagan |
| Fuller | Roberts |
| Gonzalez | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Nays—2

Hardeman Martin

Absent—Excused

Moffett

Message from the House

Hall of the House of Representatives

Austin, Texas,
February 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 126, Authorizing the Commissioners Court of Midland County to pay the District Judge of the 142nd Judicial District compensation in addition to the compensation paid by the state; making other provisions relative thereto; providing a severability clause; and declaring an emergency.

S. C. R. No. 11, Authorizing the Board of Regents of the University of Texas to accept grants, donations, gifts and matching grants from federal and state agencies for the purpose of making additions to the existing building of M. D. Anderson Hospital and Tumor Institute, etc.

S. C. R. No. 16, Regarding the setting up of monuments, etc., on public grounds.

S. C. R. No. 17, Celebration of Declaration of Independence of Texas at Washington-on-the-Brazos, March 2, 1961.

H. B. No. 189, Establishing a Position Classification Plan for certain departments, institutions, and agencies of the State and requiring that all regular, full-time salaried employments shall conform therewith; providing certain exceptions and deferments from such Position Classification Plan; providing that nothing in this Act shall interfere with existing statutory authorizations for employing, promoting or dismissing employees of the State, or abrogating statutory authority for certain state agencies to operate under merit systems, establishing the office of Classification Officer and describing his duties; providing for the maintenance, operation, and application of such Position Classification Plan; providing a severability clause; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 388 Postponed

On motion of Senator Lane and by unanimous consent H. B. No. 388 was

postponed until Wednesday, March 1, 1961, following the Morning Call.

Senate Resolution 131

Senator Crump offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Aubrey Townsend of Brady, Texas, daughter, Kay, and Mrs. Terry Townsend, wife of Representative Townsend of Brady; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Crump by unanimous consent presented the guests to the Members of the Senate.

House Concurrent Resolution 32 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 32, Congratulating Chief Justice John E. Hickman on his judicial career.

The resolution was read and was adopted.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 49, To the Committee on Privileges and Elections.

H. B. No. 54, To the Committee on Water and Conservation.

H. B. No. 148, To the Committee on Privileges and Elections.

H. B. No. 167, To the Committee on State Affairs.

H. B. No. 168, To the Committee on State Affairs.

H. B. No. 214, To the Committee on State Affairs.

H. B. No. 181, To the Committee on Jurisprudence.

H. B. No. 180, To the Committee on Jurisprudence.

H. B. No. 189, To the Committee on Finance.

Bill Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 15, A bill to be entitled "An Act fixing the compensation of the judges of the Civil District Courts of Tarrant County, Texas, and the judges of the Criminal District Courts of Tarrant County, Texas; providing for the manner of payment; providing for the validity of the remaining portion of this Act if any part be declared unconstitutional; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Senate Resolution 132

Senator Smith offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Judge Glenn Thompson, County Attorney George Boring, Leonard Coleman of Morton, Texas, and Leland Seifers of Whiteface, Texas, and Bill Eubanks of Maple, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

SMITH
ROGERS

The resolution was read and was adopted.

Senator Smith by unanimous consent presented the guests to the Members of the Senate.

Senate Bill 239 on Second Reading

Senator Willis moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 239 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 239, A bill to be entitled "An Act amending Section (a) of Article 6686 of the Revised Civil Statutes of Texas, 1925, as amended, relating to manufacturers and dealers registration of motor vehicles; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Bill No. 239 by striking out of line 25 of the printed bill the following:

"or test,"

and striking out the quotation mark (") appearing at the end of line 51 of the printed bill and adding the following at the end of line 51:

Any manufacturer of motor vehicles in this State may instead of registering each vehicle he may wish to test upon the public highways apply and secure a distinguishing number which may be attached to any such motor vehicle sent upon the highways for the purpose of testing; provided, however, that no load may be carried upon commercial motor vehicles being so tested. The annual fee for such manufacturer's distinguishing number shall be fifteen (\$15.00) dollars."

HARDEMAN
WILLIS

The amendment was adopted.

On motion of Senator Hardeman

and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 239 on Third Reading

Senator Willis moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 239 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Lane |
| Baker | Martin |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |

Absent—Excused

Moffett

Report of Standing Committee

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,
February 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 400, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Adjournment

On motion of Senator Hardeman the Senate at 11:46 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Judge C. W. Webb

Senator Herring offered the following resolution:

(Senate Resolution 124)

Whereas, In the passing of Judge C. W. Webb on January 4, 1961, the City of Elgin and State of Texas lost a distinguished jurist and outstanding citizen; and

Whereas, Judge Webb was born in Dale County, Alabama, on September 28, 1877, and at an early age his family moved to Bastrop County where he received his early schooling and later earned a teacher's certificate from McDade Normal; and

Whereas, He studied law at home, while teaching in the public schools of Bastrop County, and was admitted to the Bar in 1899, being licensed to practice before the Federal Courts four years later. In 1900 he opened his law office in Elgin, a firm which today is one of the best known in Central Texas; and

Whereas, Judge Webb was an outstanding attorney, and a conscientious and dedicated public servant having been special county and district judge and also special district attorney; and

Whereas, He was a staunch Democrat and a member of the Bastrop County Democratic Executive Committee for twenty-four years; he was keenly interested in all aspects of his community life as evidenced by his service on the Board of Trustees of the Elgin and Bastrop County School Boards, and during World War II he served on the Advisory Committee of the Bastrop County Draft Board and as chairman of the USO County Drives and the Bond Drive; he was also a past president of the Elgin Kiwanis Club and the Elgin Pecan Growers Association; and

Whereas, Judge Webb was a devout Christian gentleman and taught a Sunday School class in the Elgin Methodist Church for forty-five years, and served as a Steward and lay leader; and

Whereas, He is survived by his wife, who was before their marriage Miss Emma Stulken of Austin; two sons, Wallace Webb of Irving, Texas, and Jack Webb of Elgin; eight grandchildren and seven great-grandchildren; now therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-seventh Legislature to pay tribute to this worthy citizen; and be it further

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to all surviving members of his family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Ernest F. Biehunko

Senator Krueger offered the following resolution:

(Senate Resolution 125)

Whereas, The State of Texas lost an esteemed citizen in the untimely passing of First Lieutenant Ernest F. Biehunko, twenty-six, when his Air Force jet airplane crashed in California; and

Whereas, The Texas Legislature wishes to pay tribute to his life; and

Whereas, He was the son of Mr. and Mrs. Frank Biehunko, Jr. and was graduated from Moulton High School and Texas A & M College, where he was an honor graduate, a lieutenant colonel in the Cadet Corps, and Commander of the Ross Volunteers. He married Miss Dorothy Short of Schulenburg; and

Whereas, He is survived by his wife, Mrs. Ernest F. Biehunko; one daughter, Becky; his parents, Mr. and Mrs. Frank Biehunko, Jr.; and one brother, Major L. T. Biehunko; now, therefore, be it

Resolved, That the Senate of The State of Texas adjourns this day in memory of this beloved citizen who gave his life for his country, that a page in the Senate Journal be set aside in respect to him, and that copies of this resolution be sent to his family, with our deep personal regard.

The resolution was read and was adopted by a rising vote of the Senate.